

22511

JC03 Rec'd PCT/PTO 29 SEP 2004

PATENT TRADEMARK OFFICE

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 17195/006001 U.S. APPLICATION No. (known, per 37 CFR 1.5) 10/551497
INTERNATIONAL APPLICATION NO. PCT/JP2003/004164	INTERNATIONAL FILING DATE 1 April 2003	PRIORITY DATE CLAIMED 1 April 2003
TITLE OF INVENTION CARDIOMYOPATHY THERAPEUTIC AGENT		
APPLICANT(S) FOR DO/EO/US Yasuhiko Tabata et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Not Signed) 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

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<p>10/551497</p> <p>U.S. APPLICATION NO. 10/551497</p>	<p>INTERNATIONAL APPLICATION NO. PCT/JP2003/004164</p>	<p>ATTORNEY'S DOCKET NUMBER 17195/006001</p>																				
<p>20. <input checked="" type="checkbox"/> Other items or information: Front page of International Publication w/ ISR References (10) Return Receipt Postcard</p>																						
<p>The following fees have been submitted</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 60%;">CALCULATIONS</th> <th style="width: 40%;">PTO USE ONLY</th> </tr> </table>	CALCULATIONS	PTO USE ONLY																		
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<p>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 300.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 300.00																			
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<p>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations\$200</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 200.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 200.00																			
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<p>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB\$400 All other situations\$500</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 400.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 400.00																			
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<p>TOTAL OF 21, 22 and 23 =</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 900.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 900.00																			
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<p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Total Sheets</th> <th style="width: 15%;">Extra Sheets</th> <th style="width: 30%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 15%;">RATE</th> <th style="width: 10%;">\$</th> <th style="width: 15%;"></th> </tr> <tr> <td>20 - 100 =</td> <td>/50 =</td> <td></td> <td>x \$250.00</td> <td>\$</td> <td></td> </tr> </table>		Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	\$		20 - 100 =	/50 =		x \$250.00	\$										
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20 - 100 =	/50 =		x \$250.00	\$																		
<p>Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																			
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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;"></th> </tr> <tr> <td>Total claims</td> <td>8 - 20 =</td> <td></td> <td>x</td> <td>0.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td></td> <td>x</td> <td>0.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+</td> <td></td> </tr> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	8 - 20 =		x	0.00	Independent claims	1 - 3 =		x	0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																			
Total claims	8 - 20 =		x	0.00																		
Independent claims	1 - 3 =		x	0.00																		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+																			
<p>TOTAL OF ABOVE CALCULATIONS =</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 900.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 900.00																			
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<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">450.00</td> <td style="width: 40%;"></td> </tr> </table>	450.00																			
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<p>SUBTOTAL =</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 450.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 450.00																			
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<p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																			
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<p>TOTAL NATIONAL FEE =</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 450.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 450.00																			
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<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$</td> <td style="width: 40%;"></td> </tr> </table>	\$																			
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<p>TOTAL FEES ENCLOSED =</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">\$ 450.00</td> <td style="width: 40%;"></td> </tr> </table>	\$ 450.00																			
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		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Amount to be refunded:</td> <td style="width: 40%;">\$</td> </tr> <tr> <td>Amount to be charged</td> <td>\$</td> </tr> </table>	Amount to be refunded:	\$	Amount to be charged	\$																
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- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit
Account No. 50-0591. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information
should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be
filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATUREJonathan P. Osha
NAME

CUSTOMER NUMBER: 22511

33,986
REGISTRATION NUMBER

Application No. (if known):

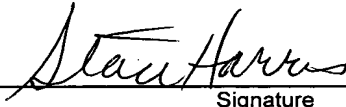
Attorney Docket No.: 17195/006001

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV707248462US in an envelope addressed to:

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 29, 2005
Date



Signature

Staci V. Harris

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600
Telephone Number

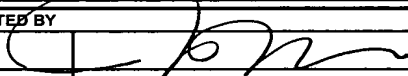
Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (3 pages)
Fee Transmittal (1 page)
Application Data Sheet (2 pages)
Front page of International Publication w/ ISR (2 pages)
English language translation of the International application (20 pages)
Oath or declaration of the inventor(s) (4 pages)
Information Disclosure Statement (2 pages)
IDS (Citation) by Applicant (10 References) (1 page)
Payment by credit card. Form PTO-2038 is attached
Charge \$450.00 to credit card

<p><i>Effective on 12/08/2004.</i> FEE TRANSMITTAL For FY 2005</p>		<p>Complete if Known</p>	
<p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		Application Number	
		Not Yet Assigned	
		Filing Date	
		Concurrently Herewith	
		First Named Inventor	
		Yasuhiko Tabata	
Examiner Name		Not Yet Assigned	
Art Unit		N/A	
TOTAL AMOUNT OF PAYMENT		(\$)	
450.00		Attorney Docket No.	
		17195/006001	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>50-0591</u> Deposit Account Name: <u>Osha - Liang LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description						Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
<u>8</u>		<u>- 20 =</u>	<u>x</u>	<u>=</u>	Fee (\$)		Fee Paid (\$)
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
<u>1</u>		<u>- 3 =</u>	<u>x</u>	<u>=</u>			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof			Fee (\$)	Fee Paid (\$)	
<u>20</u>	<u>- 100 =</u>	<u>/50</u> (round up to a whole number) x			<u>=</u>		
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge):							
2631 Basic National Stage fee						150.00	
2633 National Stage Examination Fee - all other ...						100.00	
2642 National Stage Search Fee - search report ...						200.00	

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	33,986
Name (Print/Type)	Jonathan P. Osha	Telephone	(713) 228-8600
		Date	September 29, 2005

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ev, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: September 29, 2005	Signature: <u>Staci Harris</u> (Staci V. Harris)